



*States v. Christian et al.*, Criminal Action No. CCB-03-351 (D. Md). A forfeiture verdict of \$6,000,000 covering the proceeds of the illegal activities as well as substitute assets was entered against Christian and his co-defendants. Christian subsequently noted an appeal.

The court approved a preliminary order of forfeiture directing the seizure of certain property on March 1, 2005. Through appellate counsel, Christian filed a motion to stay forfeiture. The court denied the motion to stay forfeiture on May 27, 2005, and a final order of forfeiture was entered on June 8, 2005. The United States Court of Appeals for the Fourth Circuit recently affirmed Christian's conviction and sentence on appeal. *See United States v. Mitchell, et al.*, 2007 WL 840347 (4<sup>th</sup> Cir. March 19, 2007) (unpublished).

On January 24, 2007, Christian filed the instant motion to return property claiming that: 1) he was not provided an opportunity to challenge whether the property was the product of illegal activity; 2) there was a loan on one of the forfeited vehicles; and 3) there was no forfeiture hearing.

## **II. Discussion**

Christian was convicted of charges contained in the Second Superseding Indictment. No additional hearing was required under 21 U.S.C. § 853 because the forfeiture was adjudicated by the jury and the property was forfeited pursuant to judicial order. The items Christian wants returned were specifically condemned and title was passed to the United States.

Under these facts, Christian is not an aggrieved party for the purpose of Rule 41(g) as he was a charged defendant and later adjudged guilty. There was no improper search or seizure.

Accordingly, the court will deny the motion by separate order.

May 29, 2007  
Date

/s/  
Catherine C. Blake  
United States District Judge